

September 21, 2012
Mishra
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FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
12 OCT -1 PM 4:21
OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

1	UNITED STATES OF AMERICA,)	Civil No. 8:12CV297
2)	
3	Plaintiff,)	ANSWER TO COMPLAINT FOR
4)	FORFEITURE IN REM
5	vs.)	
6)	
7	\$1,074,900.00 IN UNITED)	
8	STATES CURRENCY,)	
9	Defendant ,)	
10	TARA MISHRA,)	
11	Claimant)	

COMES NOW CLAIMANT TARA MISHRA and Answers the Complaint on file
as follows:

1. Admits.
2. Admits.
3. Admits.
4. Admits.

5. Admits except that venue should be transferred to the Central
District of California or to the District of New Jersey because those
courts have jurisdiction and because of the convenience to the parties
and witnesses.

6. Denies. Claimant Tara Mishra owns the defendant property and
it is not subject to forfeiture for any reason. The Defendant currency
represents the earnings of Claimant Tara Mishra. No part of the
Defendant currency was used for illegal activity. The Defendant
currency was not involved in drug purchases or sales nor was Defendant

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1 currency intended to be used for drug purchases or sales.

2 7. Claimant Tara Mishra was not present on March 3, 2012 in
3 Nebraska when the vehicle was stopped as alleged in paragraph 7.
4 Accordingly, Claimant Tara Mishra denies for lack of information or
5 belief the allegations in paragraph 7.

6 8. Claimant Tara Mishra was not present on March 3, 2012 in
7 Nebraska when the vehicle was stopped as alleged in paragraph 8.
8 Accordingly, Claimant Tara Mishra denies for lack of information or
9 belief the allegations in paragraph 8.

10 9. Claimant Tara Mishra was not present on March 3, 2012 in
11 Nebraska when the vehicle was stopped as alleged in paragraph 9.
12 Accordingly, Claimant Tara Mishra denies for lack of information or
13 belief the allegations in paragraph 9.

14 10. Claimant Tara Mishra was not present on March 3, 2012 in
15 Nebraska when the vehicle was stopped as alleged in paragraph 10.
16 Accordingly, Claimant Tara Mishra denies for lack of information or
17 belief the allegations in paragraph 10.

18 11. Claimant Tara Mishra was not present on March 3, 2012 in
19 Nebraska when the vehicle was stopped as alleged in paragraph 11.
20 Accordingly, Claimant Tara Mishra denies for lack of information or
21 belief the allegations in paragraph 11.

22 12. Claimant Tara Mishra was not present on March 3, 2012 in
23 Nebraska when the vehicle was stopped as alleged in paragraph 12.
24 Accordingly, Claimant Tara Mishra denies for lack of information or
25 belief the allegations in paragraph 12.

26 13. Claimant Tara Mishra was not present on March 3, 2012 in
27 Nebraska when the vehicle was stopped as alleged in paragraph 13.

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1 Accordingly, Claimant Tara Mishra denies for lack of information or
2 belief the allegations in paragraph 13.

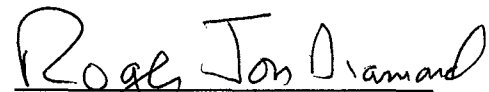
3 **AFFIRMATIVE DEFENSE**

4 Claimant affirmatively alleges that the Defendant currency is her
5 money based upon her earnings over many years. Defendant currency
6 was not used in any way for the purchase or sale of drugs or
7 narcotics. Defendant currency was not intended to be used for any
8 illegal activity including drugs or narcotics. Defendant currency
9 was intended to be used as an investment in a business in New Jersey.

10 WHEREFORE, CLAIMANT TARA MISHRA respectfully requests the Court
11 to deny forfeiture and to order the United States Government to return
12 the Defendant currency to Claimant Tara Mishra.

13 Claimant Tara Mishra also requests reasonable attorney's fees and
14 to be reimbursed for any travel costs or expenses that otherwise may
15 be required if the Court should deny the motion to change venue.

16 Respectfully submitted,

17 
18 ROGER JON DIAMOND
19 2115 Main Street
20 Santa Monica, CA 90405
21 (310) 399-3259
22 Fax No. 310/392-9029
23 State Bar No. 40146
24 Attorney for Claimant
25 T. Mishra
26
27
28

STATE OF CALIFORNIA, COUNTY OF

VERIFICATION

I have read the foregoing Answer to Complaint for Forfeiture In Rem

and know its contents.

☒ CHECK APPLICABLE PARAGRAPH☒ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.☐ I am ☐ an Officer ☐ a partner ☐ a _____ of _____a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.☐ I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.Executed on September 22 2012, ~~19xx~~, at Rancho Cucamonga, CA, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Tara Mishra

Type or Print Name

Tara Mishra
Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT

(other than summons and complaint)

Received copy of document described as _____

on _____ 19____.

Type or Print Name

Tara Mishra
Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of _____, State of California.

I am over the age of 18 and not a party to the within action; my business address is: _____

On _____ 19____, I served the foregoing document described as _____

on _____

in this action

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:☐ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at _____, California.

Executed on _____, 19____, at _____, California.

☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on _____, 19____, at _____, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature

STUARTS DISCLOSURE TRAILBLAZER (REVISED 7/07)

NEW DISCOVERY LAW 2009 AND 2011 O.C.P.

(May be used in California State or Federal Courts)

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

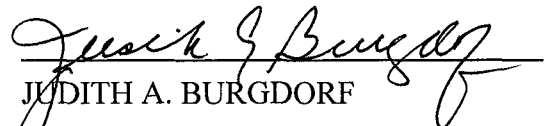
I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2115 Main Street, Santa Monica, California 90405.

On the date shown below I served the foregoing document described as: ANSWER TO COMPLAINT FOR FORFEITURE IN REM on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows: this document is also being e-mailed at the e-mail address listed below.

Nancy A. Svoboda, Assistant United
States Attorney
Office of United States Attorney
1620 Dodge Street
Suite 1400
Omaha, Nebraska 68102-1506

I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Santa Monica, California on September 27 2012

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and was executed at Santa Monica, California on the 27 day of September 2012.


JUDITH A. BURG DORF